HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18059 OF 2007

Between:

Smt. Anita Gupta

…Petitioner

AND

The Commissioner, GHMC, Tankbund,
Hyderabad and three others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri A.L. Raju

Counsel for respondent Nos.1 to 3: Shri R. Ramachandra Reddy

August 30, 2007

Per G.S.SINGHVI, CJ

In this petition filed on 23.8.2007, petitioner Smt. Anita Gupta has complained that respondent Nos. 1 to 3 are not taking action to demolish the illegal construction being made in premises bearing No. 21-7-222 (being part of premises bearing No. 21-7-221 to 226), Town Survey No.15/2, Block G, Ward No.228, Shaher-e-Hyderbad Village and Bahadupura Mandal, Hyderabad. She has prayed for issue of a mandamus to them to demolish the disputed construction.

We have heard Shri A.L.Raju, learned counsel for the petitioner and Shri R.Ramachandra Reddy, Standing Counsel for Greater Hyderabad Municipal Corporation and perused the record.

In our opinion, the writ petition is liable to be dismissed only on the ground of extraordinary haste shown by the petitioner in invoking the jurisdiction of this Court inasmuch as she made a representation to Assistant City Planner, Town Planning Section, Circle – II, Greater Hyderabad Municipal Corporation on 20-8-2007 and on that very day, the writ petition was prepared and filed after a gap of two days. One can understand the anxiety of a person whose property is sought to be demolished by the public authorities and appreciate the haste with which such person may approach the Court, but it is not possible to approve the unreasonable stance adopted by a person like the petitioner, who has sought demolition of the construction made by respondent No.4 by describing it as illegal and unauthorized and has rushed to the Court without waiting even for three to four days after making representation or serving notice of demand for justice on the concerned public authority so as to enable the latter to scrutinize the representation, inspect the area concerned and then make

determination whether or not the disputed construction is illegal and unauthorized.

Notwithstanding the above observations, we do not consider it proper to non-suit the petitioner because the haste with which she has moved the Court may not be entirely attributable to her. That apart, Shri R. Ramachandra Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation says that on receipt of the representation made by the petitioner, the concerned officers have already taken steps to stop the disputed construction and that action will be taken to demolish the illegal construction, if any, made by respondent No.4.

In view of the statement made by the learned counsel for Greater Hyderabad Municipal Corporation, the writ petition is disposed of as infructuous.

As a sequel to disposal of the writ petition as infructuous, WPMP No. 23159 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

August 30, 2007
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